

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

QUINTE HARRIS, an individual,

Plaintiff,

v.

SKANSKA USA BUILDING INC.,  
SKANSKA BALFOUR BEATTY JV,  
MICROSOFT CORPORATION, and  
BALFOUR BEATTY CONSTRUCTION  
LLC, corporations,

Defendants.

Case No. C22-555RSM

ORDER DENYING MOTION TO  
EXTEND DISCOVERY DEADLINE

This matter comes before the Court on Plaintiff Quinte Harris's Motion to Extend Discovery Deadline, Dkt. #53. This case was filed on April 25, 2022. Discovery closed on September 18, 2023. The Court granted a stipulated Motion permitting the deposition of Plaintiff to occur on November 10, 2023, and extending the trial date accordingly. Dkt. #55. The instant Motion, seeking to extend the deadline for other discovery to be requested and produced, is opposed. Trial is set for March 18, 2024.

Plaintiff moves for a two-month extension of discovery. The reason for this request is, "[d]ue to undersigned counsel's emergent commitments in other cases for the last four months, Plaintiff has not yet completed the discovery process." Dkt. #53 at 1. The Motion later states:

Based on undersigned counsel's calendar and commitment to other cases, additional time for discovery is necessary to prosecute this

1 case effectively. The parties have already sought an extension of  
2 all other major deadlines. Plaintiff is seeking only an extension of  
3 an existing deadline commensurate with the other requested  
4 extensions.

5 *Id.* at 2. No further explanation is given. There is no attached declaration with further details.

6 A scheduling order “may be modified only for good cause and with the judge’s  
7 consent.” Fed. R. Civ. P. 16(b)(4). The decision to modify a scheduling order is within the  
8 broad discretion of the district court. *Johnson v. Mammoth Recreations, Inc.*, 975 F.2d 604, 607  
9 (9th Cir. 1992). “Rule 16(b)’s ‘good cause’ standard primarily considers the diligence of the  
10 party seeking amendment.” *Id.* at 609. If a party has acted diligently yet still cannot reasonably  
11 meet the scheduling deadlines, the court may allow modification of the schedule. *Id.* “Mere  
12 failure to complete discovery within the time allowed does not constitute good cause for an  
13 extension or continuance.” LCR 16(b)(6). This rule will be “strictly enforced” in order to  
14 “accomplish effective pretrial procedures and avoid wasting the time of the parties, counsel, and  
15 the court.” LCR 16(m). While prejudice to an opposing party may provide additional reasons  
16 for denying the motion, it is not required under Rule 16(b). *Coleman v. Quaker Oats Co.*, 232  
17 F.3d 1271, 1295 (9th Cir. 2000).  
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19 Plaintiff has the burden of demonstrating good cause to modify the scheduling order  
20 and has failed to do so. He makes no mention of diligence in his Motion. This appears to the  
21 Court as the classic situation of “mere failure to complete discovery within the time allowed,”  
22 which the Court has routinely ruled insufficient to grant the requested relief. Unless Plaintiff  
23 can point to some further basis for modifying the scheduling order, discovery will remain  
24 closed except as to allow the deposition of Plaintiff, rescheduled for good cause based on the  
25 prior stipulated Motion of the parties.  
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1 The Court declines to award fees under Rule 11 as requested by Defendants. *See* Dkt.  
2 #56 at 6–7. Although Plaintiff’s Motion fails to demonstrate diligence, it does point to the  
3 stipulated extension of the trial date as a non-frivolous basis for extending discovery.

4 Having reviewed the briefing and the remainder of the record, the Court hereby finds  
5 and ORDERS that Plaintiff Quinte Harris’s Motion to Extend Discovery Deadline, Dkt. #53, is  
6 DENIED.  
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8 DATED this 6<sup>th</sup> day of October, 2023.

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11 RICARDO S. MARTINEZ  
12 UNITED STATES DISTRICT JUDGE  
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